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8 *Attorney for Defendant and Cross-Claimant*
9 *WHOLESALEFASHIONSQUARE.COM, INC.*

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12 HEM & THREAD, INC., a
13 California corporation, and HYUN
14 KIM, an individual,

15 Plaintiffs,

16 vs.

17 WHOLESALEFASHIONSQUARE
18 .COM, INC., a California
19 corporation; DOWNTOWN 11th,
20 Inc., a California corporation; MIN
21 LEE, an individual doing business
22 as ROUSSEAU; ANDREW LEE,
23 an individual doing business as
24 BOSWELL FASHION; and DOES
25 1 through 10,

26 Defendants.

27 WHOLESALEFASHIONSQUARE
28 .COM, INC., a California
corporation,

Case No. 2:19-cv-00283-CBM-AFM

**OMNIBUS DECLARATION OF AVI
WAGNER IN SUPPORT OF DEFENDANT
WHOLESALEFASHIONSQUARE.COM,
INC.'S MOTIONS IN LIMINE 1-2**

Date: January 3, 2021

Time: 10:00 a.m.

Courtroom: 8B

1
2 Cross-Plaintiff

3 vs.

4 ANDREW J. PARK, an individual,
5 J & K CLOTHING, INC. d/b/a
6 LOVE LETTER COLLECTION
7 a.k.a. MI AMORE F/S, a California
8 Corporation; YOUNG H. CHO, an
9 individual, SOYEON CHO, an
10 individual, SKYOCEAN, INC., a
11 California Corporation and; DOES
12 1-10, individuals and/or entities of
13 unknown form,

14 Cross-Defendants.
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18 I, Avi Wagner, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

19 1. I am the principal of The Wagner Firm, counsel for cross-plaintiff
20 Wholesalefashionsquare.com, Inc. (“Wholesale”) in this matter. I have personal
21 knowledge of the matters set forth herein and if called to testify could and would
22 truthfully testify to the following.

23 2. I submit this declaration in support of Cross-Plaintiff
24 Wholesalefashionsquare.com, Inc. (“Wholesale”)’s Motions in Limine 1-2. I have
25 personal knowledge of the facts below and if called to testify could and would testify
26 truthfully to the following facts.
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1 3. On Thursday, December 2, 2021, my colleague Charissa Morningstar
2 conferred with Fang Chen, counsel for Andrew J. Park and J & K Clothing, Inc. on
3 these motions and they were unable to resolve the disputes.

4 4. On Friday, December 3, 2021, I conferred telephonically with Calvin
5 Myung, counsel for Young H. Cho, Soyeon Cho, and SkyOcean, Inc., on these
6 motions and we were unable to resolve the disputes.

7 5. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt of
8 the deposition transcript of the deposition of Wholesale CFO Michael Kremerman,
9 who was deposed as the Rule 30(b)(6) corporate designee of Wholesale.

10 6. Attached hereto as **Exhibit B** are the complaints filed against Wholesale
11 alleging copyright infringement that Plaintiffs designated as exhibits during the
12 September 4, 2020 Kremerman deposition.

13 7. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of
14 the deposition transcript of Andrew J. Park, who was deposed in his individual
15 capacity and as a Rule 30(b)(6) designee of Cross-Defendant J&K Clothing, Inc.

16 8. Attached hereto as **Exhibit D** is a true and correct copy of an excerpt of
17 Wholesale's Requests for Production propounded on Love Letter Cross-Defendants.

18 I declare under penalty of perjury, under the laws of the United States of
19 America and the State of California that the foregoing is true and correct.

20
21
22 Executed on December 6, 2021

/s/ Avi Wagner
Avi N. Wagner